



Canadian Heritage
and Parks Canada

Patrimoine canadien
et Parcs Canada

OUT AND ABOUT



**TOWARDS A BETTER UNDERSTANDING OF GAY,
LESBIAN, BISEXUAL, AND TRANSGENDERED
PERSONS IN THE WORKPLACE**

Canada

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INTRODUCTION

Canadian Heritage (PCH), as the federal government department responsible for programs related to heritage, culture, and identity, is in many ways concerned with issues of diversity.

Canadian Heritage and Parks Canada embrace diversity and respect, and believe that their employee population should resemble the public they serve. This commitment is reflected in their respective strategies on employment equity and diversity. The *Canadian Heritage Duty to Accommodate Policy* confirms that the Department is “committed to providing a work environment in which all employees feel included and valued and where opportunities for employment are available to all qualified persons. (...) the duty to accommodate includes the obligation to accommodate disability and also religious belief, national or ethnic origin, age, family status, marital status, sex (including pregnancy and childbirth), sexual orientation, and gender identity and expression.”

In his book, *The Rise of the Creative Class*, which paints an enlightening picture of the values and lifestyles that will drive the economy, technology, and social structures in the 21st century, Richard Florida writes that, “to some extent, homosexuality represents the last frontier of diversity in our society, and thus a place that welcomes the gay community welcomes all kinds of people.”¹

The same could be said of the work environment, which is why it is important that all employees and managers be made aware of the particular challenges confronting gay, lesbian, bisexual, and transgendered (GLBT)² persons in the workplace.

GLBT Pride@PCH and Parks Canada

In 1997, when Parks Canada was a program of Canadian Heritage, a committee of gay and lesbian employees was formed under the Department’s Employment Equity and Diversity program, modelled on existing employment equity committees. Now known as GLBT Pride@PCH and Parks Canada, the group has broadened its membership to include bisexual and transgendered employees. Its purpose is to facilitate the professional networking of GLBT employees (headquarters and regions), to advise senior management on GLBT issues, and to promote diversity.

¹ Florida, Richard, *The Rise of the Creative Class*, Basic Books, 2002, p. 256.

² The abbreviation GLBT is used throughout this publication to mean “gay, lesbian, bisexual, and transgendered.”

Being heterosexual, homosexual, bisexual, or transgendered is not just about sexuality. It's about complex lifestyles that have an impact on every aspect of a person's life, including the emotional, psychological, social, and professional. Everyone needs to better understand the issues facing GLBT men and women in the workplace, because their well-being and productivity will be greatly improved in a work environment that is free of discrimination and open to diversity.

The purpose of *Out and About* is not to “change the world” or to impose a particular vision of homosexuality, bisexuality, and transgenderism. The goal of this brochure is to broaden the concept of diversity and, specifically, to challenge some of the stereotypes associated with GLBT persons, to suggest concrete means for improving their well-being at work, and to offer basic information on the individual rights and obligations of all employees in a workplace that respects diversity. It is for all Canadian Heritage and Parks Canada employees, as well as those in other federal government departments and agencies who are interested in promoting diversity.

The Parks Canada Agency's human resources management values respect and equity as means of promoting a healthy work environment that is open to diversity. Moreover, the *Values and Ethics Code for the Public Service* asserts that “Public Service organizations should be led through participation, openness and communication and with respect for diversity.” It is in this spirit that we have produced this brochure, and in this spirit that we hope you will benefit from it.

The Writing Committee



BEING GAY, LESBIAN, BISEXUAL, OR TRANSGENDERED IN THE WORKPLACE

To be out or not to be out, that is the question

We all know that effective and healthy relationships at work are not based on professional interaction alone. When we come to work, we bring with us a range of experience and knowledge from every aspect of our lives, including our family and social lives. What's more, many studies have shown that the most productive teams in any workplace are those whose members are even just slightly familiar with their colleagues' personal interests and their family or social situation.

For many GLBT employees, simply being themselves at work presents a problem. Revealing their sexual orientation or gender identity can have serious consequences. Colleagues may change the way they act towards them, or they may become objects of discrimination and even hateful and violent acts. So it's not surprising that most GLBT persons hesitate to talk about themselves at the office. For some, constantly wondering whether or not to come out is an ongoing source of stress, which can limit the quality and authenticity of their workplace relationships, sap their productivity, and even affect their health.

Why do gays and lesbians have to “flaunt” their sexuality at work?

Take the example of Monday mornings at the office. Over a cup of coffee, a few colleagues chat about how they spent the weekend. One person talks about the movie he saw with his girlfriend. Someone else tells the others what she did with her husband and children. Without even discussing their sexuality, or “flaunting” their lifestyle, these two have made their heterosexuality clear. How do GLBT persons feel when they become part of an informal discussion like this one? Is the workplace accepting enough for them to feel comfortable talking about their family, social, and personal lives?

We must therefore ask ourselves: Is our workplace truly open to diversity? Is it respectful enough of individual differences that all employees can be themselves at work? The well-being and professional development of GLBT persons could be vastly improved by a work environment in which they are understood and respected. This is why making clear and accurate information available is so important.

Understanding one another

As indicated in the introduction, the reason we need to discuss sexual orientation and gender identity in connection with the workplace is that the full participation and advancement of GLBT persons can be hindered by the stereotypes and prejudices that persist about them. Their job security may be affected, as well.

A Few Definitions

Sexual orientation

Affection and sexual attraction for people of the same or opposite sex.

Gay and lesbian

Gay and lesbian persons are emotionally and sexually attracted to members of the same sex.

Bisexual

Bisexual persons may be emotionally and sexually attracted to members of both sexes. The degree of attraction may not be the same for both sexes, and may vary over time.

Transgendered

Transgendered persons question the gender identity they were biologically assigned at birth and reject it either partially or completely. The term *transgendered* may refer to cross-dressers, transsexuals, or intersexed persons. (This latter term is now used instead of the word *hermaphrodite*.)

Sexual or gender identity

A person's physical or psychological identity, independent of sexual orientation. Gender identity is defined by our biological characteristics, as well as by our perception of ourselves as men or women.

Sexual or gender expression

Gender expression refers to the various ways in which people choose to express their gender identity, e.g., manner of dress, behaviour, modification of physical characteristics, etc.

Many studies show that prejudice and stereotypes about certain groups in society—including members of visible minority groups, persons with disabilities, Aboriginal people, and GLBT people—are generally the result of a lack of information or understanding of who they are and what makes them unique. It is perfectly natural that, to some degree, we all hold preconceived ideas about a number of subjects. But in a workplace environment where diversity is valued and respected, each and every one of us has a responsibility to make sure that such ideas do not affect the well-being of our colleagues or stand in the way of their integration and full participation.

The one sure way to avoid generalizing or holding on to false impressions is to become well informed. But information must come from reliable sources.

As is true for many other subjects, you can find completely contradictory views on GLBT issues in scientific literature, the media, and other published material. GLBT and non-GLBT persons can always, depending on the source of information they choose, reinforce their own point of view or open their minds to other perspectives.



It is suggested that, to become well informed about homosexuality and transgenderism, established sources such as the following be consulted:

- the Canadian Human Rights Commission, and similar provincial bodies
- university faculties with teaching or research chairs in GLBT issues
- recognized community, social, and health organizations concerned with the well-being of GLBT persons and their friends and families
- professional GLBT associations for employment-related issues

Of course, in addition to becoming well informed, the best way to better understand GLBT persons is to get to know them personally. We often hold on to negative ideas about a group of people until we come in contact with someone who is a member of that group. Suddenly, we may change our mind completely. By getting acquainted with GLBT persons, we realize that they do not all have the same lifestyle, that their love relationships can be as deep and as long lasting—or as short-lived—as opposite-sex couples', and that bisexuality—far from being a form of indecision—is a valid sexual orientation. We quickly realize that the GLBT community is, in itself, tremendously diverse.

If you know GLBT persons who are open about their orientation or gender identity, feel free to respectfully ask them about their personal, social, or professional life, in the same way as you would with any person whom you respect and want to get to know better.

About transgendered persons

Being transgendered is more closely associated with gender identity than with sexual orientation. It has to do with the degree to which a person's biological identity and psychological identity are consistent—or inconsistent—with one another. Some people, at some point in their life, need to physically change their sex so that all aspects of their identity are coherent. However, gender identity is unrelated to the attraction a person feels for people of the same or opposite sex. Transgendered persons may be heterosexual, homosexual, or bisexual.

A recognized way to accommodate transgendered persons in the workplace—and one that is suggested by the *Duty to Accommodate Policy*—is to adapt facilities, if possible, to make unisex, single-stall washrooms available for persons who would feel uncomfortable using regular facilities because of their gender identity or expression.

Living with homophobia

The great majority of GLBT people grow up in a family and social context in which homosexuality and transgenderism are considered taboo. They often become targets of homophobia—sarcastic remarks, discrimination, threats, and abuse of all kinds—because of their sexual orientation or gender identity.

Homophobia may be expressed by others or it may be internalized by GLBT persons themselves. In either case, it is detrimental to their health and well-being. Expressions of homophobia prevent GLBT persons' professional development and contribute to a negative atmosphere in the workplace, particularly with respect to team spirit and interpersonal relations.

Homophobia

Fear or misunderstanding of homosexuality and GLBT people, which is often expressed by offensive, discriminatory, and violent actions. The term "internalized homophobia" describes GLBT persons' fear, denial, or refusal of their own sexual orientation.

Stats on homophobia³

According to the 2002 Public Service Employee Survey, 5 percent of respondents (about 700 federal government employees) indicated that they had been victims of discrimination or harassment at work because of their sexual orientation.

In a 2001 survey on the well-being of GLBT persons in the Ottawa region, 38 percent of GLBT persons surveyed said they had suffered more than three incidents involving verbal abuse in the course of their lives. Thirteen percent had been threatened with violence, and 9 percent had been victims of a crime.

³ Statistics in this section are taken from *How Well are We Doing? A Survey of the GLBT Population in Ottawa, Main Report*, The Wellness Project, July 2001, p. 41.

Here are some everyday examples of homophobia:

- *My co-workers joke openly about GLBT persons. Whenever I phone my girlfriend from work, I'm afraid they might find out that I'm a lesbian and that it will negatively affect my professional relationship with them.*
- *A colleague started giving me a hard time after he discovered that I was gay. To do anything about this situation, I would have had to come out to my supervisor, human resources personnel, and union representatives. Instead, I decided to not say anything and find another job.*
- *I'm going through a sex change. I live my life entirely as a woman—except at work. Since I am only a term employee, I live in fear that my work-mates might see me outside the office dressed as a woman. I am afraid that this could lead to conflicts at work or that I could be fired under false pretenses.*





IMPROVING THE WELL-BEING OF GLBT PERSONS IN THE WORKPLACE

There are many simple, effective, and inexpensive ways to foster a healthy work environment that is free of conflict and homophobia.

Respect diversity

A GLBT employee was asked to describe his idea of the best possible work environment. His answer: “The ideal work environment for GLBT persons is the ideal environment for all employees. A place where respect for diversity is not just a nice-sounding motto, but a value that is put into practice on a daily basis. A place where managers and employees all refuse to accept intolerance.”

Putting respect into practice

- Do not tell inappropriate jokes about GLBT persons or use pejorative expressions when referring to them.
- If the regular practice of an organization is to send employees a message highlighting events like International Women’s Day or National Aboriginal Day, send a similar message to mark annual Gay Pride celebrations in your area. (Dates for these events vary from one city to another.)
- In training or information sessions for employees or managers, use concrete examples of situations that pertain to GLBT persons (e.g., in a pre-retirement course, when addressing legal issues related to financial matters of opposite-sex couples, discuss those that apply to same-sex couples, as well).
- When inviting “spouses” to social activities, use the term “partners” instead—a more inclusive and non-gender-specific term, which includes same-sex couples.
- When a transgendered person is presenting as a female, remember to refer to her using feminine terms (she, her, hers). When a person is presenting as a male, use masculine references (he, him, his). If you are uncertain, use the person’s first name.

Come out at work

In a healthy workplace where diversity is respected, one way for GLBT employees to improve their well-being is to reveal their sexual orientation or gender identity to their colleagues. Many people who have stopped making the constant effort required to hide their sexual orientation or gender identity say they are less stressed and more comfortable at work and feel more a part of their team. However, coming out has sometimes proven to be a negative experience. It is up to each individual to decide when to come out, according to the particular situation and the person's own comfort level.

“Coming out of the closet” is not a one-time experience, either at work or elsewhere. It is an ongoing process that one goes through over and over again. At work, alone, there are numerous situations in which GLBT persons must choose whether or not to come out. Here are a few examples:

- When providing the name of an emergency contact person, GLBT persons must “come out” if they wish to give their partner's name and are asked the nature of their relationship.
- When required to attend the funeral of a member of their partner's family, GLBT persons must “come out” if they want to request bereavement leave rather than vacation leave.
- When they begin the process of changing their name and sex on official employment-related forms, transgendered persons must “come out” to human resources personnel.
- If GLBT persons wish to include their accomplishments in the GLBT community among the volunteer activities listed on their CV, they must “come out” to prospective employers.

Coming out

“Coming out of the closet”—or, most commonly, just “coming out”—means no longer keeping one’s sexual orientation or gender identity a secret from one or more persons, e.g., friends, family members, colleagues.

Some examples of positive coming out experiences, as told by GLBT employees:

- *I began by coming out to a few colleagues whom I trusted and it went well. Right away, I felt more relaxed at work and I put a photo of my partner on my desk.*
- *One day, a colleague who was commenting on a news article about gay rights told me she had never met a single lesbian. I laughingly told her that she need look no further. This led to an open and honest discussion that she said she really appreciated.*
- *When I decided to finalize my male-to-female transition, I discussed it with my supervisors and together we agreed on a plan of action. We held an information session on transgenderism and it went quite well. Now that my colleagues are better informed, our professional relationship has improved.*

GLBT employees who are considering coming out at work can contact the **GLBT Pride@PCH and Parks Canada** group for advice and support.

Remember that you should never reveal a GLBT person’s sexual orientation or gender identity without his or her permission. Sharing this kind of personal information about someone shows a lack of respect and might, in some cases, create problems and even be considered a form of harassment.

Respecting GLBT individuals’ choice to come out

- Don’t try to persuade someone you think is GLBT to talk about it. People need to come out when it feels right for them. Wait for them to discuss it when they are ready, and respect their decision to not discuss it at all.
- If a GLBT person talks to you about his/her sexual orientation or gender identity in confidence, don’t mention it to others without her/his consent.
- Don’t gossip about a GLBT person’s sexual orientation or gender identity. This can seriously damage a positive work atmosphere and could marginalize the person who is the subject of the gossip.

Know your rights and responsibilities

Familiarizing yourself with everyone’s rights and responsibilities in the workplace is one way to help ensure the fair treatment of all employees—including GLBT employees.

Keep in mind that all employees, regardless of their sexual orientation or gender identity, have the right to be treated with respect and dignity, and the responsibility to treat their colleagues in the same way. The primary duty of all those employed by the federal public service is to fulfil the particular requirements of their position. They must make use of Government information responsibly and in good faith, in conformance with

their obligation of loyalty, and comply with the regulations and policies governing their conditions of employment, in particular the *Values and Ethics Code for the Public Service*.

Benefits

As a result of a 1996 decision by the Human Rights Tribunal, federal government employees living with same-sex partners now enjoy the same benefits as employees living with opposite-sex partners. These provisions apply to all GLBT employees, including members of management and those who are not covered by collective agreements.

All employees who have been living with a same-sex partner for at least a year are entitled to family responsibility and spouse relocation leave, as well as bereavement leave, just like non-GLBT common-law spouses and married persons.

Under the directives of the Treasury Board and Parks Canada Agency's collective agreement, marriage leave must be granted to employees regardless of their sexual orientation. In provinces where same-sex marriage is not an option, the Treasury Board stipulates that leave may be granted to participate in a public commitment ceremony. It is recommended that employees check the applicable leave codes with a human resources specialist. It should be noted that in cases of marriage leave, the employer has the right to request proof in the form of a marriage certificate, a solemn declaration, or a declaration under oath attesting to a public commitment ceremony.

Regarding public service dental and health care plans, employees who have been living with their partner for at least one year and who wish to convert their “single employee” coverage to “family” protection to cover their partner may request the change from their pay and benefits advisor.

Survivor benefits are now granted to same-sex partners of participants in the Public Service Superannuation Plan who died on or after September 14, 1999.

All GLBT employees who live with their partner are strongly advised to make arrangements with their pay and benefits advisor to have their beneficiary’s name listed in their personnel file.

Resolving conflict

Conflict is part of life in any organization or workplace, and can be used to bring about positive change. However, we often avoid conflicts rather than resolving them constructively. This can make the situation even worse, and contribute to a negative work environment.

Whenever a conflict arises that affects us, no matter who we are and no matter what our occupational level is, we should attempt to resolve it informally as quickly as possible. However, when a difficult situation develops into a major conflict or harassment, it is the employer’s responsibility to examine the situation and take the necessary corrective measures to restore a healthy work environment.

It’s not easy for anyone to report improper conduct, object to offensive jokes, or demand respect from colleagues in the workplace. It takes courage and determination. And it can be particularly difficult for GLBT employees, who must, at the same time, reveal their sexual orientation or gender identity if the conflict centres on discrimination or homophobia.

Harassment

Harassment is the extreme in a continuum of conflict between people. It is defined as:

Improper conduct by an individual that is directed at, and offensive to another person or persons in the workplace, and which the individual knew or ought reasonably to have known would cause offence or harm.

It comprises any objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, and any act of intimidation or threat.

It includes harassment within the meaning of the *Canadian Human Rights Act*.

Harassment also includes sexual harassment and abuse of authority.

Discrimination

Workplace discrimination means treating employees inequitably in hiring or in changing the conditions of employment on various grounds, particularly those referred to in the *Canadian Human Rights Act*—race, national and ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family situation, disability, or conviction for which a pardon has been granted.

Politely letting colleagues know that their behaviour is unacceptable is often a simple and effective way to prevent a disagreement from developing into a more serious conflict. This also gives them a chance to recognize their mistake and change their behaviour. You can easily point out—over a cup of coffee, perhaps even somewhat humourously—how important it is to respect one another at work. It can help make your work environment healthier and more open.

If, however, the informal approach doesn't work, you should feel free to ask for help and address the appropriate people so that corrective measures can be taken.

Even before a work conflict arises or becomes serious, all employees and managers should familiarize themselves with the Treasury Board's harassment policy (http://publiservice.gc.ca/hr/policy_e.html) and any other relevant internal policies. These policies do not simply describe the disciplinary measures to be taken in cases of conflict; they also explain employees' and managers' rights and responsibilities. You might also wish to familiarize yourself with the *Canadian Human Rights Act* (<http://www.chrc-ccdp.ca>), which specifically prohibits discrimination on the basis of sex and sexual orientation.

Preventing conflict and harassment in the workplace

- Be sensitive to what might offend other people.
- Apologize if you think you may have offended someone and then change your behaviour.
- Don't be afraid to say something if you are offended by certain remarks or behaviour, or if you witness someone being treated in an inappropriate way.
- Inform your manager of any workplace conflicts that come to your attention. If this doesn't work, or if you are unable to speak directly with the person who has acted inappropriately, the following resources may be of help:
 - your supervisor, who is responsible for maintaining a healthy work environment
 - your union representative, if you are a member
 - your human resources or staff relations representative
 - the Ombudsman at Canadian Heritage
 - the Employee Assistance Program
 - the federal Centre for Workplace Conflict Management
- If you are a manager, remember that you are ultimately responsible for the actions of employees under your supervision; it is your duty to foster a conflict- and harassment-free atmosphere.



CONCLUSION

GLBT Pride@PCH and Parks Canada hopes that this brochure has provided employees and managers at Canadian Heritage and the Parks Canada Agency with useful information and a better understanding of how to promote diversity and mutual respect in the workplace.

Our desire is that our workplaces should reflect and welcome the diversity of our population. Canadians of all backgrounds, religious beliefs, sexual orientations, and gender identities have a great variety of skills and perspectives to offer, particularly in a non-threatening environment.

For more information, or to meet with GLBT employees, please contact **GLBT Pride@PCH and Parks Canada**. You can get in touch with us through the Employment Equity and Diversity Coordinators at Canadian Heritage or Parks Canada, or you can find us on the PCH and Parks Intranet sites (under Employment Equity and Diversity Management).

A photograph of a woman with short blonde hair sitting in a wheelchair, looking at a laptop. The image is overlaid with a semi-transparent blue filter. The text 'APPENDIX A FEW IMPORTANT DATES' is positioned to the right of the image.

APPENDIX

A FEW IMPORTANT DATES

These are some important dates in the evolution of legal rights for GLBT persons in Canada.

1969

Homosexuality is decriminalized.

1977

Quebec includes the expression “sexual orientation” in its *Charte des droits et libertés de la personne*.

1978

New immigration legislation removes homosexuals from the list of people who are ineligible for Canadian citizenship.

1980

The House of Commons refuses to pass a bill prohibiting discrimination on the grounds of sexual orientation. M.P. Svend Robinson brings forward similar bills in 1983, 1985, 1986, 1989, and 1991, all of which are rejected.

1992

In *Haig and Birch v. Canada*, the Ontario Court of Appeals rules that the omission of the term “sexual orientation” from the *Canadian Charter of Human Rights and Freedoms* is discriminatory.

A federal court decides that a regulation should be amended to permit gays and lesbians to join the Canadian Armed Forces.

1995

Ontario becomes the first Canadian province to legally authorize same-sex couples to adopt children. British Columbia, Alberta, Nova Scotia, and Quebec have since followed suit.

1996

The federal government passes Bill C-33, adding sexual orientation to the list of prohibited grounds of discrimination under the *Canadian Charter of Rights and Freedoms*.

1999

The Supreme Court of Canada stipulates that same-sex couples must be granted the same rights and responsibilities as opposite-sex common-law couples and equal access to benefits under programs to which they contribute.

Members of the House of Commons vote 216 to 55 in favour of marriage defined exclusively as the union of a man and woman.

2000

The House of Commons and the Senate pass Bill C-23, giving same-sex couples access to the same social and tax benefits as opposite-sex couples in common-law relationships.

2002

The government of the Northwest Territories becomes the first government in the country to prohibit discrimination on the grounds of gender identity in its new human rights law (*Human Rights Act*).

The *Assemblée nationale du Québec* passes Bill 84 instituting civil unions and establishing new rules of filiation. This form of union includes opposite-sex and same-sex couples.

Nova Scotia passes legislation on the registration of domestic unions, addressing same-sex and opposite-sex couples.

For the first time in Canadian history, a Canadian court decides to allow same-sex unions. In reaction to the Ontario Supreme Court decision, Alberta passes a law prohibiting same-sex marriage.

The Government of Canada appeals the decision to allow same-sex marriage. The Justice Minister holds a series of public hearings on the legalization of same-sex unions.

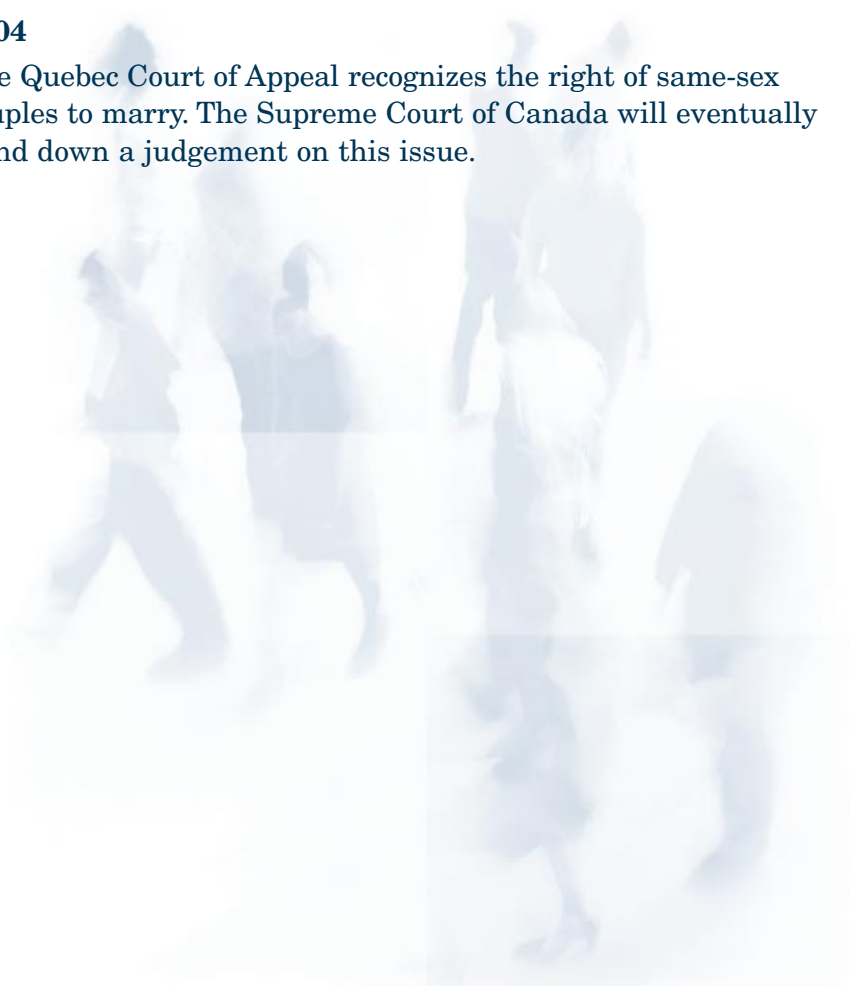
2003

The Ontario and British Columbia Courts of Appeal find the definition of marriage excluding same-sex unions to be unconstitutional. Judges allow gay and lesbian marriages in these two provinces.

Following these decisions, the federal government proposes a draft bill to legalize same-sex marriage and submits a reference to the Supreme Court of Canada to obtain the Court's advice on whether or not the bill respects the constitutionally guaranteed rights in the *Canadian Charter of Rights and Freedoms*.

2004

The Quebec Court of Appeal recognizes the right of same-sex couples to marry. The Supreme Court of Canada will eventually hand down a judgement on this issue.





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